

# FACTS

FOR THE INFORMATION OF

**U. S. Marine Underwriters and Stockholders:**

WITH SOME ACCOUNT OF

**THE WRECKING SYSTEM**

**AS PURSUED ON THE BAHAMA BANKS;**

**AS WELL AS OF THE FRAUDS THERE PERPETRATED;**

*And showing how the U. S. Underwriters have been, and are now defrauded,  
by the Ex U. S. Consuls,*

**TIMOTHY DARLING AND JOHN F. BACON;**

Including a Reply to a Pamphlet lately issued by them, entitled  
"Charges made against the Underwriters' Agents at Nassau,  
N. P., Bahamas, with their Refutation."

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"But ships are but boards, sailors but men: there be land rats and water rats, water thieves and land thieves; I mean pirates; and then there is the peril of waters, winds, and rocks."—*Merchant of Venice*.

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THE undersigned, the recently appointed Consul of the United States at Nassau, New Providence, Bahama Islands, having lately seen a pamphlet emanating from Timothy Darling and John F. Bacon, of the house of T. Darling & Co., Nassau, (both of which individuals, previous to my appointment, were respectively U. S. Consuls at Nassau,) reflecting upon the course pursued by the undersigned, in the discharge of his Consular functions for preventing the perpetration of frauds at Nassau, upon American commerce, deems it expedient, that said pamphlet should have some notice taken of it, as well as of the individuals who are its authors, lest from the *plausible* manner in which the same is concocted and endorsed by the *opinions* of Darling & Bacon's friends, they may deceive American citizens and U. S. underwriters, as they have done heretofore, and thereby commit, with impunity, the like frauds, which I shall presently expose.

Before I entertained the thought of applying to be appointed U. S. Consul to Nassau, I had some knowledge of Nassau and of the system pursued by the late Consuls, Darling and Bacon, in cases of American vessels wrecked, and those going into Nassau, *reported* to be in distress, as well as of the disposition there made of them and

their cargoes, by Darling and Bacon, in their capacity of Consuls and as alleged agents for U. S. underwriters. I will also venture here to assert, that there is scarcely a Marine Insurance Company in the United States, but which has suffered from the frauds I shall presently detail; nor is there a lawyer, who has tried or heard tried, cases to recover Marine insurance for vessels and cargoes, in any wise connected with Nassau or the Bahama Banks or Islands, but who can testify to the facts I am about to relate, viz. that, in every disputed case the frauds are clearly perceptible, especially in cases of American vessels wrecked and those putting into Nassau, *reported* to be in distress; which latter, are in very many instances there condemned as *unworthy* of repair and sold, with their cargoes.

That such is the case there is abundant evidence to prove, not only in the United States, but in other portions of the commercial world, as will presently be shown.

Having applied, and having been appointed U. S. Consul to Nassau, I embarked and arrived there on the 26th of October, 1849. On the 31st October I called upon Bacon and presented to him the communication I bore to him from the Secretary of State. On that day, I saw Bacon, as likewise Darling, his co-partner, for the *first* time. On the 1st November, 1849, I assumed the duties of my office, possessing the knowledge above stated relative to the course pursued by Darling and Bacon, with the full determination of investigating the matter, and if confirmed, I felt it to be my conscientious duty, in the faithful discharge of my Consular functions, to make the effort to break up the system, and if possible to have justice done to U. S. Underwriters as well as to American citizens, whose *rights were not previously protected*, much less respected. I had not long been in Nassau, before, not only my previous knowledge was confirmed, but many *new* facts were communicated to me by persons who were cognizant of them, from being eye-witnesses to the perpetration of the frauds. My informers were persons who were perfectly disinterested in giving me the information, which fact is proven to be so, because by availing myself of their information in my efforts to break up the frauds perpetrated, my very informers, with others, would be deprived of the opportunity to purchase wrecked cargoes and vessels upon speculation, and of realizing large and handsome profits out of their purchases, by re-shipments and sales, as was the case under the *fraudulent system*. These persons also, I am pleased to say, are among the *few honest and conscientious* persons that are in Nassau.

Having had my previous knowledge confirmed, and being also in possession of new facts, I determined to investigate the same further, in order that those facts might also be confirmed. For this purpose, as well as for the purpose of making myself familiar with Consular duties, I determined to examine carefully the records and papers in the archives of the Consulate, especially those which emanated from Darling and Bacon. Previous to doing so, in perusing the "New

York Albion" of the 17th November, 1849, I came across a paragraph in an article entitled "Wild Sports in the Falklands," sketched during a survey of those Islands, by Captain Mackinnon, Royal Navy," in which article the writer, in comparing those Islands with the Bahamas, says:

"It is believed that these Islands are frequently made use of by fraudulent persons much in the same manner as the Bahama Banks are in the West India seas—that is to say: ships are purposely lost there to defraud underwriters. Many instances are known of vessels being 'cast away' in the most unaccountable manner. In several instances ships thus *lost* in some of the basin-like harbors have been sold for a 'mere song,' recovered at little expense, and are bearing rich freights across the seas!"

The writer further says: "The very fact of a Naval Officer being on the spot would prevent such disgraceful proceedings, and save thousands yearly."

These facts, so far as the Bahama Banks are concerned, I can confirm, and quoting similar language, say, the very fact of an *honest* U. S. Consul (or *honest agent for U. S. underwriters*,) at Nassau, clothed with some *little authority* and *protection* by the United States, [neither of which he has now, either under the law of nations, (according to recent decisions of courts,) by treaty (except in very few cases,) or by acts of Congress, as I can testify from *experience*, and as can also be testified no doubt by many other U. S. Consuls, who have felt in a foreign land the want of both,] would not only prevent the perpetration of frauds at Nassau, and save thousands of dollars, but would actually save underwriters and others *hundreds of thousands of dollars yearly*. Now by the very paragraph above quoted, the information I was previously in possession of, was *doubly* confirmed, and that too by a disinterested person, a perfect stranger to me and to my informers, and an officer of the Royal Navy of Great Britain, to which nation the Bahama Islands, with its numerous *deposit* banks, rocks, reefs, cays and harbors belong. Had I, previously to seeing that article, been ignorant of the frauds which had been perpetrated as above stated, *that article* alone, uncontradicted as it is to this day, would have caused me or any other conscientious man to prevent the repetition of what is there stated as the fact. After having perused the article quoted, I proceeded to examine the books and papers in my office, which emanated from Darling and Bacon while they were respectively U. S. Consuls at Nassau, at which time they also alleged themselves to be, and did act as, agents for *all* U. S. Underwriters.

Having examined the records as stated, I found [*admitted to be the fact under their respective signatures* in their official correspondence with the Department of State] that during the period they respectively were U. S. Consuls and alleged agents for U. S. underwriters, they condemned, as *unworthy of being repaired*, and sold thirty [30] *American* vessels which came into Nassau reporting to be in distress, and

the fate they and their cargoes there met, under the hands of those individuals, proved Darling and Bacon to be "more merciless towards them than the winds of heaven" had been. These vessels had *short* voyages to perform, many being bound on coasting voyages. On the other hand, within the *same period of time* in which these thirty American vessels shared the fate they did, but *eighteen* [18] British vessels and one American vessel [the brig Francis Amy, —,] also put into Nassau in distress, and went to Messrs. John Thomson & Co., (agents there for Lloyds, Glasgow, Liverpool, and other underwriters in Europe, as well as for Underwriters in the U. States,) under whose direction *every* vessel was soon repaired at reasonable expense, and completed their voyages with their original cargoes across the Atlantic, in perfect safety. *Not one vessel or cargo which so came there to them* was condemned or sold, in the period of time mentioned. This being the case, I had from this fact a knowledge that the fatality attending *American vessels exclusively*, was *not* because they *could not be repaired*, or because the cost of repairs would be more than the vessel would be worth under the admiralty-rule.

The above fact is confirmed by Darling & Bacon's own showing, for, by some of the certificates of ship masters to be found in *their* pamphlet, it is there alleged, in vindication of themselves, that *some* of the vessels which put into Nassau in distress, *were* repaired by John J. Finlayson, and that his charges are "moderate and fair."

Notwithstanding the repairs put upon the few vessels alleged to have been repaired, were done at "moderate and fair" prices, *thirty American* vessels were, during the period referred to, condemned, abandoned, and sold as unworthy of being repaired, as follows: By John F. Bacon, Consul, 1840, three brigs and two schooners—total, 5. By Timothy Darling, Consul, 1842, two brigs and three schooners—total 5. And by John F. Bacon, U. S. Consul, 1845, and Timothy Darling, his co-partner, under the name of T. Darling & Co., one ship, thirteen brigs, one bark, and five schooners—total, 20. Thus, it will be perceived, that *after the copartnership* between Darling and Bacon was formed, just *double* the number of vessels were condemned, &c., as were *before* the copartnership between Darling & Bacon existed.

#### RECAPITULATION.

SHIP.	BARK.	BRIGS.	SCHOONERS.	
1	1	18	10	—total, 30.

Now, of these vessels, which were so condemned and sold, Darling and Bacon bought, at *their own sale*, the schooner Julia Ann, and "directly and openly" the brigs Galveston and Pedraza, which vessels *they afterwards* had repaired at Nassau; the two latter, no doubt, by Finlayson, whose charges for the same to the *new* owners were "moderate and fair," but to the underwriters the *estimated* re-

pairs exceeded the admiralty-rule, and therefore these vessels were condemned and sold as *unworthy* of being repaired for the *original* owners or the underwriters. These vessels made voyages several years afterwards for Darling & Bacon.

Again, among other of the above condemned vessels, is the schooner Hudson, schooner Ann Still, brig Francis, and bark George Henry. The schooner Hudson was bought by *British* subjects, was by them *afterwards* repaired in Nassau, no doubt also at "moderate and fair" charges, and, after having been repaired, was sent to New York, was there sold, and obtained a *new American Register*, and from the time of her condemnation in March, 1845, to the 26th of January, 1850, [at which time she was "lost" on one of the Bahama reefs,] she performed voyages,—being for nearly *five years* after her condemnation and sale. The schooner Ann Still was likewise repaired at Nassau after her condemnation and sale. She also was purchased by a British subject, and was converted into a brig. The brig Francis was likewise condemned, sold, purchased and repaired at Nassau, and made voyages for years after her condemnation. She also obtained a *new American Register*. The bark George Henry was also *condemned and sold as unworthy of repair*, and I find by Darling & Bacon's own showing, set forth in their aforesaid pamphlet, [and *sworn to*, to give weight to assertion, by Daniel Sargent, the brother-in-law of Darling,] was "in the month of January, 1849," sold by Darling & Bacon to "Messrs. Palacios & De Ynza," both of which gentlemen are British subjects. These gentlemen subsequently sold her to a gentleman by the name of John W. Pinder, also a British subject, who subsequently sold her to the aforesaid Daniel Sargent, who subsequently sold her to Alfred G. Benson, Jones & Johnson, New York, and Charles T. Dillingham, the present master thereof, after which she obtained a *new Register as an American vessel*, since which time she has been performing voyages, and I am informed she is now on her way to San Francisco, California.

These facts were in my possession *previous* to the publication of Darling & Bacon's pamphlet, and *they* also, by their own pamphlet, have confirmed many of the facts here set forth. That so many American vessels, together with their cargoes, were condemned and sold at Nassau, by Darling & Bacon, may appear surprising, is but natural; when the fact is known, that *after* the copartnership between Darling and Bacon was formed, there was united in said firm of T. Darling & Co., the *Consulate*, alleged *agents for U. S.* underwriters, and *auctioneers*. Thus it will be perceived that it was to *their interest* to condemn and sell *every vessel and cargo* which came there in distress, or reported to be in distress, in order that they might make their *five per cent.* commission as *Consul and agents for underwriters*, as well as *five per cent.* commission as *auctioneers*, being *ten per cent.* upon the proceeds of sales of all vessels and cargoes, together with the opportunity, at the same time, of purchasing at

their own sales vessels and cargoes on *speculation*, which they did in purchasing "directly and openly" the brigs Pedraza and Galveston, &c., and numerous parts of cargoes of these and other condemned vessels, as well as of those which were wrecked, many of which cargoes they reshipped to the United States, on their own account, and realized thereby large profits. This also accounts for just *double* the number of vessels being condemned, &c., *after* the partnership was formed, added to which fact, in very many instances, the *masters* of the condemned vessels were *part owners* of the vessels, and were fully insured in nearly every case, and the fact of the Consul and alleged agents for U. S. underwriters, making the disposition they did of them, was a sufficient guarantee that the master would have no difficulty in obtaining their insurance from the underwriters.

These are some of the frauds which I found had been perpetrated at the Nassau Consulate by my predecessors, some of which, as I before stated, I was in possession of *before* I entertained the thought of making application to be appointed Consul at Nassau. These facts, after my appointment and arrival at Nassau, were again brought to my knowledge, and were subsequently confirmed by the investigation I made. Whilst engaged in making the investigation, Darling and Bacon had the *assurance* (through several of their friends who figure in the pamphlet as their warmest advocates,) to make to me offers of the most advantageous and lucrative kind, hoping thereby to seduce me to *their party*, and win me to their connections. This I declined doing. Having failed in their attempt to corrupt me, they then aimed at intimidating me by persecution.

Such was the state of things existing at Nassau when I assumed the duties of the Consulate on the 1st of November, 1849, and although I was on the Island but a short time, as they state, yet I was there sufficiently long to discover who were *honest* and conscientious men from those who were directly the contrary—to discover which fact does not require much penetration or any length of time any where, but especially in Nassau.

Finding that the fatality spoken of existed *exclusively* among *American vessels*, I asked myself the question—Why could not American vessels putting into Nassau in distress, or those reported to be so, be repaired *there* in like manner as *British* and other vessels? Why could not those vessels which were condemned and sold as unworthy of repair have been repaired by the alleged agents *for the Underwriters before* they were condemned and sold? When, *after* they were condemned and sold, some of the *very same* were bought by Darling & Bacon at their own sales, "directly and openly," by their friends and others, and were repaired for the *new owners* by their friend and generally supposed *partner*, Finlayson, no doubt at "moderate and fair prices? If the *new owners* could afford to repair them, could not the Underwriters *much better* afford to do so? Why did not Darling & Bacon re-ship the cargoes on account of underwri-

ters, instead of their own, and let the underwriters make the *profits* they made? By re-shipping they would have saved the underwriters *5 per cent. agents' commission, 5 per cent. Auctioneer commission, and 15 per cent. duty* on vessel and cargo—*total 25 per cent.* had these alleged agents had the interest of his principals at heart, which every *honest* man is bound to have when he undertakes to represent another by virtue of an authority or otherwise. If Darling & Bacon, and speculators, can purchase condemned vessels and their cargoes, as well as cargoes of those which have been wrecked, and can ship them to the United States to be re-sold on *their* account, and realize large profits out of the purchase and re-shipment, why could not the same have been done by them for the benefit of the underwriters? Should not *competent and disinterested persons* be upon *all surveys* of vessels and cargoes? Should not *competition be allowed in all cases* where repairs are to be put upon vessels? Is it not the duty of the agent to have the same done at as *reasonable* prices as the same can be done? Ought not every agent, acting for his principal, do as much to promote the interests of his principal as he would to promote his own? These questions require no hesitation to answer, nor any penetration to know, why the alleged agents did not act for the underwriters as they should have acted. The answer is, because had Darling and Bacon pursued a different course they would have been *promoting* the interests of the *Underwriters*, and *injuring their own*. They would have lost *5 per cent. agency commission and 5 per cent. auctioneer commission*—added to which they and their friends would lose also the opportunity to buy condemned vessels and have them *afterwards* repaired at “moderate and fair” prices, as well as opportunities to purchase cargoes and re-ship them and profit thereby. Not content with such proceedings, they even undertook and have awarded *enormous salvage* to the wreckers out of the proceeds of sales of vessels and cargoes over which they had control, without leaving the same to be settled by arbitration, or by *disinterested persons*. By their mode of settling salvage, Darling & Bacon, according to Maclure, “*earned*” in general the respect of the *wrecking* population.” The *wreckers* even admit this, and have *openly* avowed that Darling and Bacon gave them always what salvage they wanted. Darling and Bacon have also been known to pay masters whose vessels *were* “lost” part of the salvage allowed by them to the wreckers, under an agreement with the wreckers, by which it would appear that the master was promised a quid pro quo for losing his vessel, which is not improbable, as will be shown hereafter.

Such, I say, was the state of things which existed at Nassau upon my arrival there, and such the course pursued by my predecessors. I determined such a state of things should exist no longer, if I could prevent it, especially as I conceived myself to be, by virtue of my office, the guardian and protector of American interests, and responsible, not only to my government, but to my countrymen for my acts. Knowing full well that I had not in myself any power or express

authority to prevent the frauds spoken of above, and feeling if I remained passive, or suppressed the same, I would be equally as guilty as though I had directly participated in them, as well as be violating the trust reposed in me by my government, I had but this course to pursue—either to sanction the perpetration of the frauds by suppressing them, and thus become an accomplice, or take the responsibility upon myself of informing U. S. Underwriters (whose agents Darling & Bacon *claimed* to be at the time they perpetrated the frauds spoken of, as well as at the time they issued the pamphlet referred to,) of the course pursued by Darling & Bacon towards them, in order that *they* might remedy the evil which existed. The latter course was adopted, and U. S. underwriters were put in possession of all the facts, with evidence to confirm them. The U. S. government was also put in possession of the same facts. Having done this, as well as having done all in my power to protect American interests, I felt that I had performed the duty I owed my fellow countrymen and my government as a faithful officer of the U. S. Government, as well as a conscientious man. Had I been a *stranger* on a visit to Nassau I would have acted as I have done, and would have felt it to be a *duty* I owed to the United States, as well as to my fellow countrymen. Such should also be the feelings of every *true* and *sincere* American citizen. For having done simply what was my duty to do, in making the effort to protect American interests, as well as by giving the Underwriters in the United States the information above, in return for so doing, I have been *betrayed* through the *treachery* and *perfidy* of some of the New York Underwriters, who have violated the confidence reposed in them, which should have been held *sacred*, and which I had every reason to *hope* would have been so held, especially as it was given them for *their* protection and the *promoting of their interests*. I regret to have to state that instead of the information being used by them for the purposes intended, some have made the same the instrument whereby to ruin me, as well as to defeat the purposes intended. With the same propriety might any sane individual who has a weapon placed in his hands for the protection of his life, use that weapon upon his benefactor, and with it deprive his benefactor of life. The cases are parallel, and the enormity of the crime and the ingratitude the same. Nevertheless, I have been *treacherously betrayed* into the hands of my enemies, as well as *their* enemies, and that too by my own countrymen, by individuals who are the agents, guardians and *professedly* the *protectors* of the stockholders interested in marine insurance.

Some of the New York underwriters to whom this information was given, instead of availing themselves of it for *their* protection, and *co-operating with me*, used the same, as I before said, for the purpose of accomplishing my ruin, by *having* placed Darling & Bacon in possession of documents containing the facts, as well as pursuing a course calculated to defeat me in my efforts to protect *their* rights in common with others, as well as deterring me from performing my



Consular functions as a faithful officer of the government. With the evidence thus furnished Darling & Bacon, their confederates and accomplices in the frauds above set forth, instituted suits for *libel* against me in Nassau.

These suits are instituted in one of the West India Islands, where (since the general emancipation of slaves,) negroes are upon an *equality* with the whites, and enjoy all the privileges of the whites by sitting on juries, being members of the Legislature with the title of *Hon.* preceding their names, practicing as lawyers in the courts, &c. In the court from which the writs against me emanated, my peers are likely to be, and would no doubt be composed *entirely* of negroes or negroes and wreckers, "whose general respect" and confidence Darling & Bacon have "*earned*," by giving them such salvage as they asked. To one of the writs which issued against me, is the name of a lawyer whose parents on the maternal side were *not white*, whilst on the paternal side he can boast of them having been *wreckers*. Again, under this system of amalgamation and Nassau jurisprudence, the negro cook and servants of the plaintiffs are likely as not to be upon the jury in the cases against me, and are also as likely to render verdicts *against me* for the damages laid in each case, which is \$25,000, total \$100,000, because the efforts I have made to protect my countrymen not only affects the plaintiffs, but nearly the whole male population of the Bahamas, as well as the public revenue. Some estimate may be formed of how lucrative the system is from the damages laid in each case.

Again, Darling & Bacon have identified their feelings and *interests* with the negroes and wreckers, and have earned their "general respect," and have also made Nassau their domicile, whilst I was looked upon as only a temporary sojourner. Whilst I remained in Nassau, the course I pursued (and intended to pursue during my temporary residence there) was not one which would promote the interest of the "wrecking population" and the speculators in wrecked and condemned vessels and cargoes, nor would it make me many friends among that class, much less would I "earn the general respect of the wrecking population," still less would I have justice shown me among such a class who would constitute the jury as well as witnesses against me, especially, when the Notary Public (who is also the *Hon.* Attorney General) is "ready and willing" at all times to note and extend protests *against me*, for not *suppressing the frauds* his clients perpetrated, as well as for making the effort to prevent his dishonest clients from defrauding co-owners and underwriters out of vessels and cargoes, by bartering and selling the same to the wreckers for a part of the salvage allowed by Darling & Bacon. This functionary publicly stated as the counsel for some of these clients, in defending them for a violation of the Colonial Laws of the Bahamas, that the "ship masters would have had a perfect right to have thrown the Consul or any other person overboard, that they would have served me right to have done so, for having gone on

board" of the vessel lately under the command of one of them, notwithstanding, I went on board *after* the master had sold her to the wreckers—when vessel and cargo were in possession of the wreckers, and upon complaint *under oath from the crew and passengers* of the abandoned ship, which I had a right to do and which I was in duty bound to do under acts of Congress. This is his construction of acts of Congress and the advice and opinion of the *learned* counsel for the defendants—the *Hon.* Attorney General, who is also the counsel for some of the plaintiffs in the actions against me. This is also the "protection" the Consul at Nassau obtains when he "appeals to the authorities of this country to aid him in discharging his Consular functions." Instead of being aided and protected, the frauds are encouraged, and the Consul is insulted by one of the crown officers for *legally* as well as *conscientiously* discharging what the acts of Congress and the instructions to Consuls, &c., expressly enjoin upon him as strictly within his Consular functions. With such a counsel for the plaintiffs, and negroes and wreckers as jurors and witnesses, *justice!* would soon be meted out to me in Nassau, by giving to the plaintiffs who have "earned their general respect," judgments sufficiently large to enable them to persecute me, as well as drive me away from Nassau.

Such is the tribunal, such is the system of jurisprudence which is practiced and recognized at Nassau, and such are the jurors and witnesses. The *justice!* I might expect, under such a system of jurisprudence, with my *peers* of such a complexion, can readily be imagined. Such "*extremes*" I have not, nor will I ever recognize; such a system is not now (and I sincerely trust never will be) recognized by the State of Maryland—the state which gave me birth—a State proud to be classed with the Great Southern family of states, whose institutions and measures, in common with her own, she will maintain and advocate to the last. I am proud to own her as my parent, and, although I am but an humble individual, I am entitled (and proud I am) to avow it, that my "hand and my heart" have been and will ever be with the South, in defence of her institutions, guaranteed to her by the Constitution, be the aggressors who they may. The views I now briefly express I have always entertained; they have been confirmed and strengthened by a residence in a land where amalgamation and abolition are seen in perfection—where the whites and negroes are "free and equal" in every respect—"where the whites and blacks, like the keys of a piano, are mingled together in harmonious confusion"—in fact, where the negroes, in many instances, rank above the whites, not on account of their superior attainments, but from motives of policy. I do not here wish to be understood as viewing the negro race as brutes, or wish them so to be treated, but that they were never intended by the Author of the universe to be upon an equality with the whites, is not only my opinion, but the opinion of thousands "whose good opinion is worth the having." In plain terms, having been born in the South, and entertaining the views and feelings of the South, I was determined I would

not be made the *victim* of a people whose feelings as well as system of jurisprudence are directly the reverse of what I had been accustomed to recognize, I determined that no such tribunal should take cognizance of me or of my acts, especially as what is charged as libel, was done in my Official capacity as United States Consul, which I maintain was my duty to do as a faithful officer and conscientious man. I deny the right of the court, or authorities at Nassau, to take cognizance or have jurisdiction over me, for the reason above stated, and because I have not violated any of the laws by which the people of Nassau are governed, and furthermore because the facts which are called libels, were not published by me in Nassau, but were made known to parties in the U. States, who were the *sufferers* by the frauds there perpetrated and were also the parties who had a *right* to know the facts. In consequence of those suits I came to the U. States to seek aid and protection from my government, hoping that I would have been protected from those suits as well as from the insults heaped upon me while at Nassau. Although the course I have pursued is *approved* of by my government, as well as by *all* the underwriters in Boston, and all in New York, (except Walter R. Jones, O. H. Jones, Jos. Walker and Jos. Hoxie, agent,) as will be hereafter shown, *protection*, I am informed, *cannot* be given me by my government. This being the fact, I tendered my resignation as U. S. Consul at Nassau, which has been accepted. The U. States cannot protect me, because the Laws, &c. of the U. S. (except in a very few instances) or the Law of Nations do not grant to Consuls *any* protection whatever, and this fact may, to some, appear strange, but it is no less true, that U. S. Consuls *have not the protection that the cook, boot-black, or the other servants of a Minister or Charge d'Affairs have*, the Consul's only protection being what is given him by the laws of the nation where he resides, which is tantamount to none at all—as experienced in my case, and in cases which recently occurred in Cuba, St. Domingo, and other places. Although American Consuls have no protection in foreign countries, and the *authority* vested in them being but *limited*, notwithstanding this fact, the Consul is looked upon, as well as conceded to be the guardian and protector of American interests (in the absence of Ministers, &c.) and responsible (although not *legally* but) *morally* to his government for any dereliction of what is *not legally* his duty under Acts of Congress or his instructions. If the Consul perform only his *legal* functions defined by Acts of Congress and his instructions to be such, he would have but little to do, and American commerce would suffer as well as the interests of his fellow countrymen likewise. As I before stated, U. S. Consuls are not *legally* bound (yet in conscience they are,) to protect the interests of individual citizens of the United States; yet, should the Consul not do so, he is at once censured, and “serious charges and complaints” are lodged against him with his government, as well as find their way into newspapers, to his great disparagement, when, in fact, he is innocent, and *legally*

there is no cause to complain of him. If, on the other hand, the Consul should make the effort to protect American commerce and the interest of his countrymen, by assuming the responsibility, he is placed in the same invidious situation, and must get out of any difficulty he falls into the best way he can. Thus, is he between two fires, either step will involve him in difficulty and perhaps ruin him. I speak this from experience; other U. S. Consuls no doubt can corroborate this.

Such is the invidious and trying situation of all U. S. Consuls. The difficulties I am involved in, I could have escaped, had I been a traitor to my country, and violated my conscience by walking in the footsteps of my "*illustrious! predecessors,*" by connecting myself with them as they proposed, or by sanctioning and suppressing the frauds they and their confederates had been perpetrating as well as wished to continue perpetrating. Such a course I was not willing to pursue. From experience I have now found (and I assert it without fear of the contrary being maintained) that inasmuch as U. S. Consuls have no *protection* afforded to them by the U. States, frauds *may* be perpetrated in foreign countries with the utmost impunity by fraudulent and dishonest citizens of the U. States and their accomplices; and I know of no place better calculated, or which holds out greater inducements for the perpetration of frauds, than Nassau and the Bahama Banks. There owners and underwriters may be defrauded, openly, in the presence of the U. S. Consul, and should the Consul interfere for the prevention of fraud, directly or indirectly, a threat of a libel suit, from the dishonest ship master and his confederates, will *now* be sufficient to deter him from interfering for the protection of the interests of his countrymen, or even from giving them the slightest information which might enable the parties injured to protect themselves, as well as punish the *pirates*. Such a threat, I say, is sufficient to deter the Consul from performing his *conscientious* duty—which duty custom has made *legal*, and the threat so made will most assuredly be put into execution against any Consul who dares to interfere in a manner otherwise than to *facilitate* the perpetration of fraud. Yet I, for having assumed the responsibility by giving parties, whose rights were injured, information, have been betrayed, as I before stated, and that too by some of the very parties I have been endeavoring to serve. Although *some* of the New York Underwriters have acted in this treacherous and perfidious manner towards me by having betrayed me, I am pleased to state, that there are others (who comprise the *majority* of the New York Underwriters) who *appreciate* the efforts I made at Nassau in behalf of *all*. They have done me the justice to approve of the course I pursued, and in this approval it will be seen they were not influenced solely by the information derived from me—but that the evils complained of existed at Nassau (and do yet exist) for "*many years past.*" This is the opinion, grounded upon *experience*, of the Boston Underwriters, and of all the New York

Underwriters, with the *exception* of Mr. Walter R. Jones and some three others, as will be shown hereafter. Mr. Walter R. Jones is the President of the N. York Board of Underwriters, and as such *he* was put in possession of the frauds which were perpetrated at Nassau. He is therefore *the Judas*, and upon him the responsibility rests for having violated the confidence reposed in him. Mr. Jones, with three other Underwriters in New York, it will be perceived, did not act with the *majority* of the other Underwriters in New York, and having declined so doing, he, with others, have made themselves the *advocates* of Darling & Bacon, and also approves of their course. Mr. Jones as well as his friends in the "*minority*" may have their *private* reasons for pursuing the course they did, as well as the course they intend to pursue. Darling & Bacon, by their aforesaid plausible pamphlet, have shown that a Mr. Jones (a nephew of the aforesaid Walter R. Jones) is joint owner of the aforesaid bark George Henry, with Alfred G. Benson and others, of New York. Said bark George Henry is one of the 30 American vessels which Darling & Bacon condemned and sold at Nassau as unworthy of repair. This vessel, as before stated, was *afterwards* repaired by the *new owners*, and obtained a *new American Register as an American vessel*. She is still in existence. A. G. Benson is also the particular friend of Darling & Bacon—and receives the consignments of Darling & Bacon's condemned vessels, and the cargoes of the same, which they purchase and re-ship on speculation. This Benson has also played a conspicuous part in the conspiracy against me, which discovery I have lately made. The part he is playing against me will be seen hereafter. I again repeat it, such is the system which (prior to my appointment and arrival at Nassau as U. S. Consul) was pursued by Darling & Bacon, &c. Such acts as I have mentioned I charge to be *fraud*, which if they be not, I am ignorant of what fraud consists. These frauds are within the knowledge of every person in Nassau, even of many, if not all of the advocates of Darling & Benson who have made the effort to sustain them by their volunteer "*opinions*." Did it not involve my friends in Nassau in libel suits, which would be instituted by Darling & Bacon and their confederates, I could procure from them as (confirmatory of all I have stated) many *more* statements of *facts* than there are *opinions* in Darling & Bacon's pamphlet. This I do not choose to do for the reason stated, besides the facts I allege and the frauds I charge to have been committed at Nassau by Darling & Bacon are sustained by the documents from the Underwriters who have been *sufferers* under their hands. *They* speak from *experience*; and the expression from them, as well as from the Department of State, emanated thence *after* their plausible pamphlet had been issued and distributed.

Now a few facts relative to the few vessels which have been repaired at Nassau, both *before* as well as *after* condemnation and sale. By Darling & Bacon's own showing, Finlayson is their man who has

done all the repairs upon the *few* vessels which have been repaired in Nassau. He is also the individual who repaired the vessels bought by Darling & Bacon and their friends. To the *new owners* his charges may have been "moderate and fair," but when these vessels are repaired on account of the Underwriter, the *charges* are just the reverse, as the Underwriters can testify. Again, when the vessels which have been condemned and sold as unworthy of repair, on account of the Underwriter, are afterwards repaired by Finlayson for Darling & Bacon, these individuals, *perhaps*, did go through the *form* of tendering the vessel to the Underwriters, upon the Underwriters paying to them the *charges* for repairs, which they take good care shall be sufficiently *large* to deter the Underwriters from receiving the vessel and paying the charges. Should the underwriters, however, receive the vessel and pay the *charges* for repairs, Darling & Bacon are equally as pleased as if the Underwriters refused receiving the vessels, because, did the Underwriters pursue the former course, Darling & Bacon would realize handsome profits out of the *charges* for repairs; if the latter, the vessel is theirs, at "moderate and fair prices." This is another mode in which Underwriters are defrauded by them and this Finlayson, who, a *few years ago*, was the apprentice of an old colored ship-carpenter in Nassau, who, after his term of apprenticeship had expired, became a *protege* of Darling & Bacon, and, as their "cat's-paw," has, with Darling & Bacon, realized *fortunes* out of the Underwriters, whilst on the other hand, Finlayson's old master, with other ship-carpenters in Nassau, are poor. and are not even afforded an opportunity of making proposals for the repairs which *might be necessary* to be put upon vessels. If *competition* was allowed, Darling & Bacon and Finlayson would find a different result, and Underwriters would have *some* justice done them. It is also well known in Nassau, that Finlayson has not made his money by *building* vessels in Nassau, but that the same was made (*since* Darling & Bacon went there) by *repairing* the few vessels Darling & Bacon allege to have had repaired. Even among the number alleged in their pamphlet to have been repaired by Finlayson, are two which *were not repaired*. Darling & Bacon allege they were "*hove out*" with care, at "moderate and fair charges." One of these vessels is the brig Talleyrand. She also is one of the 30 vessels *condemned* and sold as aforesaid. Again, the *materials* of many of these *condemned* vessels have been found so good that the timber, &c., from them have been used in *building wrecking* vessels, (the only vessels now built at Nassau)—one being on the stocks in the shipyard of Finlayson's old master at the time I was in Nassau, and the timber used was from the *condemned* brig Pioneer, of Boston, which vessel was condemned and sold in Nassau a short time *before* my arrival there. The aforesaid bark "George and Henry," it will be seen from said pamphlet, was, after her condemnation, also repaired at Nassau, not for the Underwriters but for the *new owners*. The date when the repairs were done upon this ves-

sel Darling & Bacon do not give. Again, *three* of the vessels alleged to have been repaired at Nassau, were repaired *after my arrival* in Nassau, by Finlayson, under the direction of Darling & Bacon. Again, an instance is not known of any vessel *after* it had been condemned and sold at Nassau, and after having been repaired by Darling & Bacon, ever having been received by the Underwriters—the Underwriters refusing to pay the *charges* for repairs on account of their being so enormously high. If the Underwriters, who could much better afford to repair vessels, refuse to accept them on account of the enormous *charges* for repairs, how is it that Darling & Bacon can afford to pay these enormous bills for these repairs? The answer has been given already.

Having now exposed some of the frauds perpetrated at Nassau, and shown how *cunningly* they have been devised as well as how they have been perpetrated, I propose here briefly to notice Darling & Bacon with reference to their numerous certificates of opinion, to be found in their aforesaid pamphlet, by which their friends have made the effort to bolster up Darling & Bacon. Darling, it is well known, was appointed United States Consul at Nassau in 1842. In reply to the interrogatories propounded to him, (as well as to all United States Consuls,) asking of what State he was a citizen? he replied to the interrogatory in his official communication to the Department of State, that he was a *citizen of Maine, Calais, Washington county*. See his letter No. 1, December 1st, 1842, on file in Department of State. Again, after he had entered upon the duties of his office, he asked leave of absence from the Secretary of State (the Hon. Daniel Webster) for the purpose of visiting the United States, and as an inducement that his request might be granted, he expressed his desire to be in the United States to witness the ceremony that took place in Boston, relative to the Bunker Hill monument. In this communication, he stated he was present upon a former occasion, &c., and then “his youthful mind caught a little of that true and lofty spirit of patriotism, which the scene, the day and the orator contributed,” in which he says to Mr. Webster it was needless to say what his feelings upon the occasion were. See letter No. 17, February 4th, 1843, on file in Department of State. Leave of absence was granted, and Darling came to the United States, but whether a similar patriotic fire was kindled in his bosom a second time this deponent saith not.

Darling, whilst he was U. S. Consul, could not then hold a commission as Auctioneer, and having occasion to employ one from time to time to sell condemned vessels and their cargoes, as well as the cargoes of wrecked vessels, he applied to a gentleman in Nassau who held a commission as auctioneer, to act for him. Darling stated as one of the terms of contract, that he was *poor* and that *he came to Nassau to make all the money he could*—he had heard that persons were backward in attending sales at the hour advertised, that he wanted the sale to begin at the *very hour* named—that he (Darling)

would be there and buy every thing he wanted *cheap*, and further as soon as he bid on an article, it was to be knocked down to him. His proposal was indignantly declined, and this gentleman has nothing to do with him.

Upon his return to Nassau, he continued to pursue the course above named until 1845, when Bacon was re-appointed Consul, and Darling, howling like a whipped hound, gave way to Bacon. Darling having then ceased to be the U. S. Consul, ceased also to be an *American citizen!* and lost all feelings of patriotism, if any he ever had. He then undertook to show, and did actually *prove* to the authorities of the Bahamas, that he was only an American citizen so long as his *interests prompted him* to be one, and that, in *reality*, he was as good a British subject as any person in Nassau; he alleging that he was born in St. Stephens, New Brunswick. He is even *confirmed* to be a British subject by the *learned!* opinion of his counsel the Hon. Attorney General. Simultaneously with this, Darling & Bacon entered into co-partnership, under the style of T. Darling & Co., and called their house an *American house!* Darling being then recognized as a British subject, he was entitled to enjoy, and did from that time forth enjoy *all* the privileges and immunities of a loyal subject by holding office by virtue of appointment from the Governor of the Bahamas, sitting on juries with his colored and wrecking fellows, as well as being entitled to hold the much desired commission as Auctioneer (no person other than a British subject can *legally* exercise the functions of an auctioneer, if they do so, they violate the law and are liable to fines and penalties.) Darling accordingly availed himself of this *powerful auxiliary* to put money into his and Bacon's pocket, and Darling & Bacon, (as T. Darling & Co.,) both were auctioneers, whilst Bacon was Consul as an American citizen. Thus was the office of Consul, *alleged agents for United States Underwriters, Auctioneers and speculators* united in T. Darling & Co. This will explain *why* so many American vessels were condemned and sold with their cargoes, at Nassau, by Darling & Bacon, both of whom *were defrauding* United States Underwriters, whilst Bacon, the Christian! Bacon, at the *same time* was also violating the laws of the Bahamas. The above is the *true character* of the above named individuals. Bacon is the man whose friend and spiritual adviser, Maclure, says stands "without reproach," "one of the excellent of the earth," whose "character stands in the most enviable position," whom Maclure knows from his "own experience," (in matters of wrecked and condemned vessels, no doubt,) that Bacon has "*earned!* in general the respect of the *wrecking* population." Darling is the man to whom Maclure "cannot say" to his "face all that he could wish to say," a "devoted christian," a man "devoted to all that is good," to lose him out of Nassau would be an "irreparable loss."

The eulogy of Maclure speaks for itself, and I would be doing them injustice not to annex it. I therefore annex it with the accompany-



ing documents, which will perhaps be read with the same "indignant astonishment" by others as the charges and libels against Darling & Bacon created in Maclure and other friends of Darling & Bacon's sensitive bosoms. This Reverend Sir William "Pertinax Mac-Sycophant" Maclure, who appears so thoroughly to have divested himself of the sanctity of his official character, and gone out of his way to attack an unoffending stranger for discharging what has been admitted was his *duty*, I trust I shall stand excused for speaking of such conduct in the only terms worthy of it, in terms of sovereign, unmitigated, unqualified and unalloyed contempt, and to handle him, to use a metaphor well known in the "States," "without mittens." From the warmth and ardor with which the Rev. *gentleman!* has stepped into the defence of his much injured friends, he appears to have dismissed the cold caution so truly characteristic of his wily countrymen. He appears to have imbibed a little of the fervor, not a rare plant on the other side of the channel. Has he not gone over by some wrecking vessel and licked the blarney-stone?

What is most amusing in the panegyrics of the Rev. *gentleman!* is the mode in which he, after exhausting language in epithets in Darling, Bacon & Co's praise, he caps the climax by saying that his friend Bacon (who is one of the "sheep of his pasture and people of his flock,") has "*earned* (mark the word—has "*earned!*") in general the respect of the *wrecking!* population!" Praise, according to the Rev. eulogist, can go no further. "The force of nature can no further go." Bacon "has *earned!* in general the respect of the *wrecking* population;" he stands "without reproach;" he is one of the excellent of the earth, (why not the salt thereof?) "as a man of business and a christian in every sense of the word," and "anxious to *befriend!*" "all who belong to his country." He "stands in the most enviable position" because he has "*earned!* the general respect of the *wrecking* population!!!" and that known to be the fact from the "experience" of the Rev. *gentleman!* And yet by the course Bacon has been pursuing he has "studied the *interests!* of the underwriters," and is "*anxious!*" to *befriend!* them. This is really avoiding both Scylla and Charybdis. "Oh faultless monster of perfection!!!" I should almost suspect the Rev. director to be on as good terms with his *wrecking* hearers as his friends Darling & Bacon are, and as the good Cornwall curate I once read of, who lived on a coast in England, which like Nassau was subject to the same excitement in case of a wreck being announced. History does not say that in Cornwall they hoisted the national flag in honor of such an auspicious event, but history, and what is better, truth says Darling & Bacon at Nassau (although on no other occasion,) did, in every instance when a *wreck* was announced during their respective Consulates, hoist the American ensign, not for the purpose as it does in every clime of "scattering from its every undulation the defiance of the free and the gratitude of the delivered," but as an emblem of congratulation to themselves and to the wreckers. To themselves

to the tune of *ten per cent.* commission, besides the "*trimmings*," and to the wreckers' salvage and "pickings" sufficiently large to retain "the general respect" so well "*earned*!" from them.

A half mast elevation union down I should deem much more congenial to the feelings of the unfortunate and absent underwriters and to owners who are not "fully insured," whose property falls into the hands of land-sharks but little differing from their brethren on the high seas, from whom this property has just been rescued. To resume my story: At Cornwall, just as at Nassau, some of the "wrecking population," as in duty bound, attended the "grave divine's" church, and were busily engaged in their devotions when, on a particular stormy Sunday, a *wreck* was announced, which started Darling & Bacon as well as their friends, who have also "earned the general respect of the wrecking population." A rush, on this cry of wreck, was made for the door of the church, when the "grave divine," with more than ordinary unction, cried out, "Dearly beloved brethren, before we part, only three words more, let us all start fair," and, gathering up his *canonicals*, away they all rushed to the shore together. I hope I do not do this "consecrated cobbler" injustice, but I will call to his classical recollections, (if any he hath,) the maxim "*noscitur a sociis*," which being translated for the benefit of the country members and the "wrecking population," (the education of some of whom, like Gen. Leslie, in Cromwell's army, may never have gone beyond the letter G,) "a man is known by the company he keeps." In giving the Rev. William Maclure, "the P. P. of this parish," my "*vade in pace*," I borrow but to return it to him, a part of the language of his own extravagant and *beautiful* letter, and "pray him make what use he pleases of this." He may put it in his "*pipe and smoke it*," and thus let it pass off with the other incense which he appears to be daily offering up at the shrine of the objects of his worldly idolatry. O shade of John Knox, forgive him! Again, borrowing his own language, I am constrained to say, "As to yourself, my dear sir, I cannot say to your face all that I could wish to say." One word more before I leave you. Like most of your countrymen, you may cherish a more tender recollection of its poetry than your country, and I therefore give you a specimen from the best of your national bards, a portrait which is singularly applicable to you, at *this time especially*; in fact, a living daguerreotype of you, and I put it to your candor (if any of that homely virtue you possess) as well as to those who *know you well*, to say whether the likeness be not a speaking one—'tis this: to

"Learn three-mile prayers and half-mile graces,  
With well spread looves [palms] and long wry faces,  
Grunt up a solemn, lengthened groan,  
And damn all parties but your own."

Once more—"As to yourself, my dear sir, I cannot say to your face all that I could wish to say."

Of many of the other advocates of Darling, Bacon & Co. I shall, on account of their "being too small deer," let pass. The maxim "noscitur sociis" defines *their* position, and as "they have been lovely in their lives, in their deaths they shall not be divided." Henry Capern, "Baptist Minister, Agent of the Baptist Missionary Society, London, England," who, with Maclure, forms a brace of "Consecrated Cobblers," I will here inform *you* that your friend Darling has contradicted your "opinion," when you say that he "with unvarying consistency professed himself a citizen of the U. States." To be plain with you, one of you *must* lie. Darling has avowed his birth-place to be in St. Stephens, N. B., and has the learned *opinion* of the Attorney General upon the subject he has also been "privileged" as a British subject. Privileges which *none* but a British subject can enjoy. "*Professed*," you say,—that may be so. He *professes in the United States to be an American citizen*, in the Bahamas he *professes and enjoys* all the privileges of a British subject. This fact is also known to both of you, as well as to other advocates of your *Christian!* friends. In the language of that inspired volume which should ever be the guide of both of you, in parting with you, I must remind you to "Judge not and ye shall not be judged, condemn not and ye shall not be condemned." "For with the same measure that ye mete withal, it shall be measured to you again." "Thou hypocrite, cast out first the beam out of thine own eye, and then shalt thou see clearly to pull out the mote that is in thy brother's eye." To John R. Bacon, son of John F. Bacon, (like true patriots on the other side of the water,) be it known "he left his country for his country's good."—He, I doubt not, is "willing and ready" to swear to *any thing*. He has been figuring of late in the U. States in the Webster "Watch and Chain" letters. His friend A. G. Benson became a subscriber to the Watch, and the aforesaid John R. Bacon became the bearer of it, to the Hon. Daniel Webster, in order that he might, by that means approach this great statesman and thereby hope to obtain the influence of this gentleman in their behalf. This youngster followed me to the United States, his employers, Darling & Bacon, having chartered a *wrecking* vessel for the purpose of sending him to the United States to *watch* my movements here as well as to deceive underwriters and others. To the others, who state Darling does not appear by the *Register* of wrecking vessels to be the owner of any, I would remind you there are *more ways of owning wreckers* than by having the names of *all* the owners inserted in the registers. To the Card of Wm. L. Stone and others, a reply was given by Capt. Bicknell and Keene, both of whom were in Nassau at the occurrence. Their reply *refutes* the allegations set forth in Stone's Card. The refutation by these gentlemen is *confirmed* by the Boston Underwriters, in whose offices Stone's and many of the other vessels were insured. For the benefit of the underwriters I would say that Stone, Alexander, Cousins, Holmes and Cook, are only waiting for *another*

and *better* opportunity to "lose" any vessel which may be under their command, especially when they are "fully covered by insurance" and "when freights are low." Again I assert, *upon good grounds*, that *one-half* at least of all the American vessels which are wrecked on the Bahama Banks, and those which go into Nassau reported to be in distress, are caused by *design* and not accidentally. In asserting this I do not mean to disparage all or class all as dishonest ship masters. There are exceptions to all cases, and there are many who *cannot* be tempted by any overture which might be made to them to defraud underwriters. In Nassau there are more than sufficient honest and conscientious individuals to save the town, a few more than were requisite to save the "Cities of the Plain." Even among the *wreckers* there are some (who are owners of them) who would not falsely play that they might wrongly win. Some few owners of such vessels I believe to be honest, but there are *many* I could name who are directly the reverse.

In conclusion, I again state it as a *positive fact*, based upon experience, as well as from practical observation, that my successor at Nassau, if he makes any effort to protect American interests, will have the *same* difficulties to contend with that I have had, in consequence of Darling & Bacon having made it to their *interest* to "earn the general respect of the wrecking population," by having awarded to them just such salvage as they demanded, without any difficulty arising between them in the settlement of the same after nine years' experience, which fact Darling & Bacon avow in their circulars, to be found in the possession of all the wreckers. So long, therefore, as Darling & Bacon remain at Nassau they will continue to make it to the wreckers' interest (for the purpose of promoting their own interest,) for them to have control over all vessels and cargoes coming into Nassau in distress or wrecked. This effort will be made by Darling & Bacon, even should the underwriters send an agent to Nassau to reside there for the purpose of looking after their interests. This agent of the Underwriters would have no authority to interfere, unless *every* Underwriter in the United States made him their agent, and unless a clause is inserted in every policy to the effect that if any accident or disaster happened, which might compel the vessel to make Nassau, the master *must* go the underwriter's agent. Even in that case, *before* the agent could, under that clause, (if inserted in the policy,) demand the control, he would have to prove that the vessel or cargo is insured in one of the offices he represents, and unless this can be done, the *ship-master* has the entire control of vessel and cargo, and can make such disposition of it as he pleases, without being bound to go to any house or person, and he may even go so far as to defraud the underwriter, perhaps in the presence of the *agent*, and the terror of "libel suits" will have the effect of deterring the agent from interfering or informing the principals, because there may be *some* among his principals who may feel more *interested* in the *master* and his *confederates* than in the agent or Consul. Such, I say, has been the

state of things for the last nine years at least at Nassau, which, although the Underwriters *have felt and suffered severely* under, yet they knew not until *lately how it was* they were wronged. Such will continue to be the course which will be pursued at Nassau, unless there is a complete revision of the whole Consular system, or unless the United States gives her Consuls some *protection and authority* in foreign ports, as well as constitute them *legally* the guardians and protectors of the interests of the United States as well as of its citizens, in the absence of the Minister, &c. To these facts I have already called the earnest attention of the underwriters, as well as to the *practice* at Nassau in cases of *derelict*-property, as well as to the *heavy duties*, cargoes of vessels which are *wrecked, stranded, &c.* on the Bahama Banks, have to pay. This law relative to *derelict*-property, it is well known, is the offspring of barbarism, and the same is practiced under at Nassau at this time, although the vessel is known to be an American vessel from her name and where she belongs—the names and places of residence of the persons for whom the cargo is intended being clearly perceptible upon the cargo. Notwithstanding this, the Court of Vice-Admiralty at Nassau, under that barbarous law, in consequence of the same being abandoned, claim vessel and cargo, and have *entire* control by disposing of the same, paying duties, awarding salvage, &c., which, by this process, leaves but a little balance, if any, for the Underwriter or owner—which balance is scarcely worth the trouble to recover. Although the U. S. Consul claims the same for the Underwriters, his claim is not regarded unless he has *express* authority to act in each particular case. Cases of this kind frequently happen, and the rights of the respective claimants to the property, have been decided by the Court in favor of the Crown. It seems to me, such should not be so in this enlightened age. Again, the Bahama Legislature, in its wisdom, have passed laws causing all wrecked, derelict, stranded, &c., cargoes to pay 15 per cent. duty, with an incidental duty upon that amount of 5 per cent., when, on the other hand, if the very *same* articles were *not so deteriorated* in value by the accidents aforesaid, but were regularly imported in Nassau, they would only pay a duty of 5 per cent. Thus for being *unfortunate*, the Underwriters and other citizens of the United States have to suffer. This is literally “paying for heating the poker.”

In this manner the greater part of the revenue of the Bahamas is derived. Even upon my own household furniture, my private library, clothing, &c., coat of arms of the Consulate, as well as upon my flag, I had to pay duties.

As above stated, I did, during my residence at Nassau, and do now again, call the earnest consideration of the Underwriters and stockholders, as well as others interested, to the various subjects contained herein, having been, and now being, influenced by no other motive than to promote the interests of the United States and its citizens.

E. BEATTY GRAFF, (of Baltimore City,)  
Late U. S. Consul at Nassau, N. P., Bahamas.

I will here submit the following documents, and "pray" Darling & Bacon and their friends "make what use of" them they "please," and to all of them say: "I cannot say to your face all that I could wish to say." The following is an extract of a letter from a friend of mine in New York, who saw Captain Chapman of the schooner E. Freeman, after he had arrived in New York from Jacmel. The above vessel arrived in N. York, about the 4th or 5th of April, 1850. Upon the arrival of the vessel, the captain reported as below, which report was published in the newspapers. The Report was subsequently confirmed by Captain Chapman to that friend, who subsequently had an interview with Captain Chapman. The occurrence mentioned below happened *after* I had left Nassau, (whilst I was in the U. States, and) within the jurisdiction of the Nassau Consulate. The first intimation I had of it was through the newspapers. Having called the attention of my friend to the report, he replies as follows: "This report had not escaped my observation, and I called down to see Captain C. the other day, with regard to this matter, and if possible to find the name of the wrecking sloop. He could not tell me her name, but said that the master boarded him and called him one side, wishing to know if his vessel was fully covered by insurance, and stating that Coffee was then very high at Nassau, and if he (Captain C.) would allow it, he would give him \$1000 and they would put the vessel where 'not a plank would be saved.' To this proposition, of course, Captain C. refused to listen, and ordered the wrecker out of his vessel peremptorily. He told me the story in very indignant terms, and said if he had been prepared, he would have shot the wrecker as if he had been a pirate. The 'E. Freeman' belongs to and is insured at Provincetown. The captain appears to be a very honest man, and the right kind for the underwriters."

The *original* of the following letter was found by me lying between the leaves of one of the Consular records, on the day previous to my leaving Nassau for the United States, viz: the 4th of March last. This letter is in the handwriting of John R. Bacon, and it is now well known to me, as well as to my friends in Nassau, to refer to myself. This letter was in my possession from the 1st Nov. 1849, to 4th March, 1850, without my being aware of it. It shows that a conspiracy was formed against me, as well as gives names of some of the parties.

*Copy of a letter written by young Bacon to his father, John F. Bacon, who at the time the same was written was still United States Consul at Nassau.*

DEAR FATHER: I send you the book and the Register. I will copy the letter for you if you will write it in the book.

If you can write some of the letters to-day, it would be of *great* advantage. Would it not be better to say to Croswell to draw on Benson for all expenses? Mr. D. says it would be better to spend \$1,000 than to *loose* all, and he is very anxious to have Benson co-

operate with your friends immediately, which can only be done by your letters going on in the *George Henry*.

I have nothing to do to-day of consequence, and if I can help, do let me do it, as I am convinced our main hope is in immediate exertion.

I hear that Chipman has been twice this morning to see the new man, who is reported to be quite ill.

A schooner came in this morning with derelict property. I boarded her.

Yours,

JOHN.

*Nassau, 29th October, 1849.*

*Note of explanation to the above Letter.*

The book referred to is one of the Consular records, viz: the book containing copies of letters, &c., written by the Consul to the Secretary of State. The letter referred to was Bacon's *last official* letter written to the Secretary of State. The register, was the register of the *aforsaid* bark *George Henry*, then at Nassau and ready to sail for New York. *The letters* which would be of such "*great advantage*" were to Croswell, Benson, &c., of New York, to have me *rejected* by the United States Senate, as I have subsequently learned. Croswell is the editor of an Albany newspaper [the *Argus*] a *friend* of Bacon. Benson is Alfred G. Benson, of New York, and a friend of Bacon & Darling. Mr. D. is Timothy Darling, co-partner of John F. Bacon, late the United States Consul at Nassau. Chipman is Dr. Chipman, of Nassau, who was on *that day attending me*, i. e. the "*new man*," who was sick in bed, and had *never seen* Bacon or Darling, nor had I then been recognized by the Governor. I did not assume the duties of the Consulate until *1st November, 1849*. I arrived in Nassau 26th October, 1849.

E. BEATTY GRAFF.

[Copy.]

BALTIMORE, January 25th, 1850.

*To the Editors of the American:*

The undersigned, having arrived this day from Nassau, N. P., and noticing in the New York Journal of Commerce, of the 12th instant, a publication signed by Wm. L. Stone and others, reflecting on Mr. E. BEATTY GRAFF, U. States Consul at Nassau, N. P., and knowing the statements therein made to be *false*, consider it but an act of justice to Mr. Graff to pronounce it such. We know that Mr. Graff does not claim to be agent for all the underwriters, and by right, to take charge of all American vessels and property in whosoever hands it may be found; for one of us (Captain W. H. Bicknell, late of barque *Turbo*,) had the misfortune to be wrecked near Nassau, and on his arrival at that place called on Mr. Graff, as Consul, and was informed by him that he had the perfect right to give his business to any house he preferred. We consider Mr. Graff

a competent and honorable man, and recommend him to the confidence of his fellow-countrymen.

W. H. BICKNELL,  
Late master of barque Turbo, of Boston.  
SAMUEL R. KEENE,  
Master of schooner Milton, of Baltimore.

[Copy.]

Boston, 6th April, 1850.

E. BEATTY GRAFF, ESQ.

*Consul of the U. S. Nassau, at Baltimore:*

Dear Sir,—I have the pleasure to send you herewith a declaration of opinion from the Insurers of this city, touching the practice at Nassau, and in relation to your official conduct, so far as they have had an opportunity to become acquainted therewith.

You will readily perceive that it was impracticable to prepare a document for general use, that would go so strongly against your opponents, as the individual views of some of the officers would have gone, as there are many companies whose practical knowledge of abuses has not happened to be so great as others.

In my professional relation to the affairs involved, I am, in fact, better informed than any one President can be, and I authorize you to state, if you have occasion, that it is my decided opinion that the efforts you made at Nassau, and the opposition you met, were just such as were to be anticipated, and fully confirm my belief that the interest of American commerce demands the efficient and energetic action of an honest Consul at Nassau. I hope you will resume your post there, and that our Government will sustain you entirely in the position you have taken.

Respectfully,

Your ob't serv't,

[Signed.]

JOHN S. TYLER.

[Copy.]

Whereas, the undersigned, Presidents of Insurance Companies in the city of Boston, have heretofore, during several years past, noticed with regret, that American vessels which put into Nassau, N. P., in distress, have frequently been condemned and sold under such circumstances as justified the belief that the sales were not necessary, and that the cargoes of such vessels, have frequently been sold at said Nassau, without necessity, and we have also observed that the amount of charges for wharfage, storage, duties, commissions and salvage have become greater at said port than any other port or place on this side the globe.

And whereas, the undersigned have recently had from E. Beatty Graff, Esq., the recently appointed Consul of the United States for said port of Nassau, an exposition of sundry facts and circumstances bearing upon the premises, and the said Graff has stated to the un-



dersigned the measures adopted by him with reference to one or two cases\* which occurred while he was present at Nassau, and submitted various documents in explanation of his motives and conduct.

And whereas, the said E. Beatty Graff, Esq., hath requested from the undersigned an expression of opinion in the premises,

*Now be it known*, to all whom it may concern, that the undersigned are of opinion, and do firmly believe, that there has been of late years, and indeed for many years past, repeated instances of sales of vessels and cargoes at the port of Nassau, to the great injury of insurers and proprietors of such vessels and cargoes, under circumstances which did not justify such sales, and we are further of opinion that the measures adopted by the said Graff, as exhibited by himself and sustained by the documents bearing upon the cases which occurred while he, the said Graff, was at Nassau, were proper measures, and strictly within the line of his official duty.

Signed, JOHN G. NAZRO, President Tremont Ins. Co.  
 THOMAS LAMB, Pres. Washington Ins. Co.  
 C. CURTIS, Pres. Neptune Ins. Co.  
 JOHN CLARK, Pres. Equitable Safety Ins. Co.  
 THOS. S. SMITH, Pres. Merchants' Ins. Co.  
 FRANCIS WELCH, Pres. Franklin Ins. Co.  
 SAMUEL QUINCY, Pres. Hope Ins. Co.  
 J. H. ADAMS, Pres. N. E. Mutual Marine Ins. Co.  
 C. W. CARTWRIGHT, Pres. Manufacturers' Ins. Co.  
 JOHN L. DIMMOCK, Pres. Warren Ins. Co.  
 S. U. SWETT, Pres. National Ins. Co.  
 JOHN WILLIAMS, Pres. Coasters' M. M. Ins. Co.  
 ROBERT B. WILLIAMS, Pres. United States Ins. Co.  
 LEMUEL POPE, Pres. Boston Ins. Co.

Dated at Boston, the 3d day of April, A. D. 1850.

The document emanating from the New York underwriters is *precisely similar* to the foregoing one from Boston, and dated at New York, the 17th day of April, A. D. 1850, and signed as follows :

The Sun Mutual Ins. Company, by A. B. NELSON, President.  
 Union Mutual Ins. Company, by N. M. BECKWITH, President.  
 The New York Ins. Company, by B. McEVAS, President.  
 The Astor Mutual Ins. Company, by ZEB. COOK, President.  
 The Nashville Ins. & Trust Company, by A. B. HOLMES, Agent.

The undersigned concurs in the belief expressed in the foregoing document, in so far as regards the necessity of the frequent condemnation and sale of vessels and property arriving at Nassau in distress; but as he is ignorant of the nature of the statements and documents alluded to as having been presented by Mr. Graff, he must accept

\* The ship Nathaniel Kimball, of Gardiner, Wm. L. Stone, master and *part owner*, (which vessel and cargo was abandoned by the master and crew to the wreckers), and brig Peruvian, of Sedgwick, Brooks, Cousins, master and *part owner*, condemned and sold at Nassau.

the opinion and belief, in so far as such belief, &c., is inferred from said statements and documents.

*Office of the General Mutual Insurance Company.*

ALFRED OGDEN, V. President.

N. B. This document, as well as the one from Boston, emanated from the respective offices *after* the contents of the plausible pamphlet of *opinions*, issued by Darling & Bacon, were known to them. It will be perceived that the offices in New York which *do not* concur with the other New York offices, as well as those in Boston, (although those in New York which do not concur were, and are now in possession of the same facts in common with others,) are the Atlantic Mutual Ins. Co., WALTER R. JONES, President, also President of the New York Board of Underwriters; the Mercantile Mutual Ins. Co., JOS. WALKER, President; the New York Fire and Marine Ins. Co., O. H. JONES, President; the Columbus & Lexington Insurance Co., J. HOXIE, Agent; the Insurance Company of North America, WRIGHT & DIBBLEE, Agents.

The following letter from the Secretary of State, will show that I have simply performed faithfully the duties which I felt was devolved upon me by virtue of my official character as United States Consul, and although I am well aware that it is not the custom of the Department of State to give such letters for publication, nor have I its sanction to that effect; nevertheless, under the circumstances, I consider it due both to myself, and my friends to publish the same without its approbation, in connection with the preceding documents.

[Copy.]

DEPARTMENT OF STATE,

*Washington, 11th April, 1850.*

E. BEATTY GRAFF, Esq., Baltimore.

*Sir*,—I have to acknowledge the receipt of your communications dated respectively April 6th and 10th, 1850.

Your resignation of the appointment of Consul for the U. States at Nassau is hereby accepted.

Though you have deemed it proper to resign the post confided to you, yet the Department has never doubted that you were influenced, in your official conduct at Nassau, by an earnest desire to promote the interests of the United States and its citizens.

The course pursued by you, so far as known to this Department, in bringing to light the frauds which have heretofore existed at that port, it gives me pleasure to state, meets the approbation of the Department.

I am sir, very respectfully,

Your obedient servant,

(Signed,)

JOHN M. CLAYTON.

The following is a literal copy of Maclure's letter to Darling, prepared, no doubt, expressly to meet the case as well as the points at issue: It will be perceived that Maclure also seems familiar, not only with the condemnation of American vessels and the wrecking system at Nassau, but also with the manner in which his friends have transacted their business. Without commenting upon this *unparalleled* and most *extraordinary* effusion, I herewith submit the same to an intelligent American public, and ask their careful perusal of the same.

[Copy.]

NASSAU, NEW PROVIDENCE, 4th March, 1850.

TIMOTHY DARLING, Esq.

I have perused with attention, and I must add, indignant astonishment, notorial copies of documents purporting to be written and signed by E. Beatty Graff, United States Consul at this port, and addressed to certain Insurance offices in New York and Philadelphia, preferring charges against John F. Bacon, Esq., and yourself, of a character calculated and designed (if believed) to injure your standing as men of probity and commercial integrity, and do you damage, especially with the Underwriters in the United States. On the perusal of these documents I have deemed it not merely my duty but as an act of bare justice, at once to transmit to you this short letter, intimating the view I entertain of these documents, and of the position which you and the other gentlemen referred to occupy in this community. The statements made in the documents I conscientiously believe to be of the most base and unwarrantable character, and this conviction I ground, not merely on the fact of my long personal knowledge of the character of all you, and the very high standing which you all hold in the Society of Nassau—but on the thorough want of acquaintance with your characters, which the person who makes these charges can possibly possess, and the *interested* motives which I believe to have actuated the individual who alone could have furnished him with the calumnious information, Mr. E. B. Graff, who thinks proper to make these charges, has till very recently, been a perfect stranger here. He can know little of the characters of the men who provided him with the ground-work of his assertions, and far less of the characters of those whom he sets himself to malign. The company with whom he seems to be in the habit of associating, are not likely, so far as I can see, either to dignify his position as Consul or afford him the most correct or unbiased information, *if he is desirous to obtain it*. It is now thirteen years since I arrived in this Colony from Scotland, to be the Pastor of the Presbyterian Church of St. Andrew, in this city; and my knowledge therefore of the people here is of no limited description. I have been intimately acquainted for these thirteen years with the Hon. John Gray Meadows, whose name figures in these papers in

no very favorable light, and I have only this to say of him, that he is the *foremost* man in our community for intellect, public spirit, commercial standing and reputation, and high and honorable feeling. He is about the first man in our House of Representatives, and the wisest and most talented counselor whom the Executive possesses. No man has a sounder judgment than Mr. Meadows, or more relied on by the public—and if you could possibly secure the benefit of his services in the survey of a vessel, it would be of itself a guarantee that you had done your duty, and that the Underwriters' interests would meet with the best and most unbiased consideration. J. F. Bacon, Esq., I have known with equal intimacy for about ten years, and to suppose that such as he would be guilty of a dishonest act, would no more be credited by the good and honorable of our community, than that light is darkness. He is a man who stands "without reproach"—one of "the excellent of the earth," and whether viewed as a man of business, a gentleman and Christian in every sense of the word, or a lover of his own country, and institutions, and anxious to befriend all who belong to it—the character of Mr. Bacon stands in the most enviable position. I know from my own experience that he has studied the interests of the Underwriters, while by his fair and gentlemanly bearing, he has earned in general the respect of the wrecking population. As to yourself, my dear sir, I cannot say to your face all that I could wish to say. My language would be deemed the language of exaggeration. The idea of dishonesty being imputed to Mr. Darling, has caused a recoil among all here whose good opinion is worth the having, such as only the basest calumny could occasion. You, sir, could not be spared in our community as an able, energetic man of business—you occupy a very high place indeed—you rank among the highest in our commercial circle—you have secured the confidence and esteem of all; but poor is even that position, compared with the standing you have won yourself as an amiable, upright, consistent, honorable-minded Christian man. As a devoted Christian—devoted to all that is good, you have proved yourself among the best benefactors that this city has ever seen, and to lose you would indeed be an *irreparable loss* to the highest interests of Nassau. It is only saying what every one knows here, that you are esteemed and beloved by all alike, high and low, rich and poor. The Underwriters, the interests of America, enjoy in you a singularly able and staunch advocate and friend—and, in short, to speak of Darling & Co. in Nassau, is to speak of all that is upright, honest, and worthy of respect—in a word, that is "honorable and of good report." Pray make what use of this you please. It is my conscientious and well established judgment of you all, and not mine only, but the opinion, I may say, of the whole community.

Believe me, dear sir, yours most sincerely,

WILLIAM MACLURE,  
Minister of St. Andrew's Church.